

**REMARKS**

Claims 1-12 are pending in this application with claims 1 and 9 being amended and claims 10-12 being added by this response.

Claim 1 has been amended to recite that a permission or prohibition to copy and/or to play the digital data stored on an information carrier is delivered as a function of the identification or otherwise of at least and encryption of said digital data, and a watermarking of said digital data.

Claim 9 has been amended for purposes of clarity and to delete its dependency on previous claims.

New claims 10 and 11 have been added to disclose embodiments initially disclosed by claim 1.

**Objection to the Specification**

The specification is objected to as not including the proper headings. The specification has been amended in accordance with the comments of the Examiner to add the proper headings. In view of the amendments to the specification to add the proper headings, it is respectfully submitted that this objection is satisfied and should be withdrawn.

**Rejection of Claim 1-9 under 35 USC § 112**

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph as having insufficient antecedent basis for the limitation "said digital data". Applicant respectfully submits that "said digital data" refers to the "digital data stored on an information carrier" which is clearly recited in claim 1 on lines 1-2. In view of the above remarks, it is respectfully submitted that this rejection is satisfied and should be withdrawn.

Claim 9 is objected to as being in improper form. Claim 9 has been amended in accordance with the comments of the Examiner to remove any multiple dependency issues. In view of the above remarks and amendments to claim 9, it is respectfully submitted that this rejection is satisfied and should be withdrawn.

**Rejection of Claim 1 under 35 USC § 102**

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Linnartz (U.S. Patent No. 6,314,518 B1).

The present invention as claimed in claim 1 recites a method of protection against the copying of digital data stored on an information carrier. A permission or a prohibition to copy and/or to play said digital data is delivered as a function of the identification or otherwise of at least an encryption of said digital data; and a watermarking of the digital data.

Linnartz discloses a system for copy protecting content information stored on a record carrier. The content, for example an MPEG digital video stream, is watermarked and includes a control signal indicating the status. In the receiver device, a check is performed to allow playback in dependence of the watermark. The playback device checks the watermark information against further supplemental information, such as a physical mark on the record carrier or the control signal.

In Linnartz '518, the detection of the watermark in the MPEG video stream takes place outside the drive in an external MPEG decoder and the detected watermark information is transmitted to the drive which performs the playback control. In order to secure the link between the drive unit and the MPEG decoder, an encryption/decryption of the data is performed to create a secure path between both devices. The only teaching of Linnartz '518 with regard to encryption is to encrypt data circulating on a link between a drive device, receiving data from a record carrier and controlling the

playback of the data, and an MPEG decoder performing the watermark detection.

Linnartz '518, however, neither discloses nor suggests “delivering a permission or a prohibition to copy and/or to play said digital data as a function of the identification or otherwise of at least and encryption of said digital data and a watermarking of said digital data,” as claimed in claim 1 of the present invention. Thus, applicant respectfully submits that Linnartz fails to disclose all the limitation of claim 1 as amended.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Linnartz showing the above discussed features. It is thus, further respectfully submitted that this rejection is satisfied and should be withdrawn.

**Rejection of Claims 2-6, 8 and 9 under 35 USC § 103(a)**

Claims 2-6, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (U.S. Patent No. 6,314,518 B1).

In Linnartz, the detection of the watermark in the MPEG video stream takes place outside the drive in an external MPEG decoder and the detected watermark information is transmitted to the drive which performs the playback control. In order to secure the link between the drive unit and the MPEG decoder, an encryption/decryption of the data is performed to create a secure path between both devices. The only teaching of Linnartz with regard to encryption is to encrypt data circulating on a link between a drive device, receiving data from a record carrier and controlling the playback of the data, and an MPEG decoder performing the watermark detection. Linnartz, however, neither discloses nor suggests “delivering a permission or a prohibition to copy and/or to play said digital data as a function of the identification or otherwise of at least and encryption of said digital data and a watermarking of said digital data,” as claimed in claim 1 of the present invention.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Linnartz showing the above discussed features. Thus, applicant respectfully submits that Linnartz fails to disclose all the limitation of claim 1 as amended. It is thus further respectfully submitted that as claims 2-6, 8 and 9 are dependent on claim 1, these claims are also patentable over Linnartz. It is thus, respectfully submitted that this rejection is satisfied and should be withdrawn.

**Rejection of Claim 7 under 35 USC § 103(a)**

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Linnartz (U.S. Patent No. 6,314,518 B1) in view of Linnartz (U.S. Patent No. 6,209,092 B1).

Linnartz (U.S. Patent No. 6,209,092 B1) teaches a system for recording and reproducing, such as on a record carrier, content information and supplemental information relating thereto. The content information may be audio and/or video, and the supplemental information may provide author identification and/or copy control status. An encoded signal is generated representing the content information and which includes a watermark pattern representing the supplemental information. The watermark pattern cannot be changed without impairing the quality of the content information during reproduction. Although Linnartz '092 discloses that that fully replacing the watermark pattern "will result in severe loss of quality in the reproduced content, whereas even minor changes to the watermark pattern cannot be matched by calculating a corresponding control patter and will be detected also" as described in col. 3, lines 12-16, Linnartz '092 neither discloses nor suggests "a conversion of the digital data into analog signals" as claimed in claim 7 of the present invention.

In view of the above remarks and amendments to the claims it is respectfully submitted that there is no 35 USC 112 compliant enabling disclosure in Linnartz showing the above discussed features. Thus, applicant respectfully submits that Linnartz fails to disclose all the limitation of claim 1 as amended. It is thus further respectfully submitted that as claim 7 is dependent on claim 1, this claim is also

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patentable over Linnartz '518 and Linnartz '092 when taken alone or in combination. It  
is thus further respectfully submitted that this rejection is satisfied and should be  
withdrawn.

Having fully addressed the Examiner's rejections, it is believed that, in view of  
the preceding amendments and remarks, this application stands in condition for  
allowance. Accordingly then, reconsideration and allowance are respectfully solicited.  
If, however, the Examiner is of the opinion that such action cannot be taken, the  
Examiner is invited to contact the applicant's attorney at the phone number below, so  
that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due. However, if a fee is due, please charge the additional fee  
to Deposit Account 07-0832.

Respectfully submitted,  
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